IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**O R D E R**

S.B.CRIMINAL MISC. PETITION NO. 1208/2005
(Mukesh Kumar and Ors. Vs. State of Rajasthan & Anr.)

Date of Order : 19/07/2006

**PRESENT**

**HON'BLE MR. JUSTICE H.R.PANWAR**

Mr. N.K.Joshi for the petitioners.
Mr. Ashok Upadhyay, public prosecutor for the State.
Mr. H.M.Saraswat for non-petitioner No.2.

**BY THE COURT**:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners seek quashing of FIR No. 107 dated 18.7.2005 Police Station, Mahila Thana, Jodhpur for the offences under Sections 498-A and 406 IPC.

Heard learned counsel for the parties.

It is submitted by learned counsel for the petitioners, that the parties have compromised the matter and marriage solemnized between the non-petitioner No.2 and the petitioner No.1 Mukesh Kumar has been dissolved by a decree of divorce on a joint petition filed by the parties under Section 13 (b) of the Hindu Marriage Act. Learned counsel has shown me the

judgment and decree dissolving the marriage passed by the Family Court, Jodhpur on 22.5.2006.

Learned counsel appearing for the complainant non-petitioner No.2 submits that the parties have compromised the matter and the complainant does not wish to pursue the FIR lodged by her before Mahila Thana, Jodhpur and therefore quashing of FIR is not objected by the complainant. Even otherwise, since the parties have compromised the matter and in the compromise it has been agreed between the parties that the complainant would not pursue the report lodged by her. That shows that no evidence is likely to come even in the investigation against the petitioners. In the circumstances, therefore, any further investigation in the FIR lodged by the complainant non-petitioner No.2 is nothing but an abuse of the process of the Court.

In the result, the misc. petition is allowed. The FIR No.107 dated 18.7.2005 Police Station, Mahila Thana, Jodhpur is hereby quashed. Stay petition also stands disposed of.

**(H.R.PANWAR),J.**

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